

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Tartaglia, L. A., et al
Application No.: 09/981,947 Group No.:
Filed: October 18, 2001 Examiner:
For: NUCLEIC ACID MOLECULES ENCODING GLUTX AND USES THEREOF

Commissioner for Patents
Washington, D.C. 20231
ATTN: LICENSING AND REVIEW

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1. Transmitted herewith for this application is/are:
 - a. This Transmittal (1 page) (in duplicate);
 - b. Property Rights Statement (2 pages);
 - c. Copy of Office Communication mailed March 29, 2002; and
 - d. Return postcard receipt.

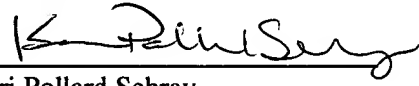
FEE DEFICIENCY

2. It is believed no fee is due in connection with this submission, however, in the event a fee is required, please charge Account No. 501668.

13 May 2002

MILLENNIUM PHARMACEUTICALS, INC.

By


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CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

I hereby certify that, on the date shown below, this correspondence is being:

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Date: 13 May 2002

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MPD
5/3/02
Practitioner's Docket No. MPI98-021DV3M

PATENT #4
Gmt (152)
6/12/02

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PROPERTY RIGHTS STATEMENT

Ok
We Louis A. Tartaglia and Xun Weng, citizens of the United States of America and the People's Republic of China, respectively, and residing at 104 Coolidge Hill Road, Watertown, MA 02172 and 19 Richard Road, Needham, MA 02192, respectively, declare that:

1. We made and conceived the invention described and claimed in patent application: Serial Number 09/981,947 filed in the United States of America on October 18, 2001 and entitled NUCLEIC ACID MOLECULES ENCODING GLUTX AND USES THEREOF.
2. We made and conceived this invention while employed by Millennium Pharmaceuticals, Inc. That the invention is related to the work we are employed to perform and was made within the scope of our employment duties; That the invention was made during working hours and with the use of facilities, equipment, materials, funds, information and services of Millennium Pharmaceuticals, Inc.
3. To the best of our knowledge and belief, the invention was not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract, or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors: Energy Research and Development Administration or the Department of Energy.

4. The invention was not made (conceived or first actually reduced to practice) under nor is there any relationship of the invention to the performance of any work under any contract of the National Aeronautics and Space Administration.

The undersigned inventors declare further that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the vailidity of the application or any patent issuing thereon.

Louis A. Tartaglia

Post Office Address: 104 Coolidge Hill Road, Watertown, MA 02172

Date:

5/14/02

Xun Weng

Post Office Address: 19 Richard Road, Needham, MA 02192

Date:

5/18/02

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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET N
09/981,947	10/18/01	TARTAGLIA, ET AL.	MPI1998-021DV3

MILLENNIUM PHARMACEUTICALS, INC.
75 SIDNEY STREET
CAMBRIDGE, MA 02139

EXAMINER	
ART UNIT	PAPER NUMBER
PATENT & TRADEMARK OFFICE	

MAILED

DATE MAILED:

MAR 29 2002

REC'D APR 04 2002

LICENSING & REVIEW

IF NO RESPONSE TO THIS NOTICE IS RECEIVED WITHIN FORTY-FIVE DAYS, A FORMAL REQUIREMENT WILL BE ISSUED

The subject matter of this application appears to:

- ☒ be "useful in the production or utilization of special nuclear material or atomic energy" as recited in 42 U.S.C. 2182 (Department of Energy (DOE)).
- ☐ "have significant utility in the conduct of aeronautical and space activities" as recited in 42 U.S.C. 2457 (National Aeronautics and Space Administration (NASA)).

Accordingly, no patent can issue on this application unless applicant(s) file a statement (under oath or in the form of a declaration as provided by 37 CFR 1.68) setting forth (1) the full facts concerning the circumstances under which the invention was made and conceived and (2) the relationship (if any) of the invention to the performance of any work under any contract or other arrangement with the Agency(ies) noted above. On the reverse side of this form is an example of an acceptable format for this statement. The language appearing in paragraphs III and/or IV of the example *must* appear if applicant is attempting to establish that no relationship (under item 2 above) exists.

If the invention disclosed in this application was developed under a contract, grant or cooperative agreement between the Agency indicated above and a person, small business or non-profit organization and rights to the invention have been determined by specific reference to 35 U.S.C. 202 in the contract, grant or cooperative agreement, then applicant need not submit the statement described above. Instead, applicant may file a verified statement (under oath or in the form of a declaration, 37 CFR 1.68) setting forth the information required by 35 U.S.C. 202(c)(6).

IF NO STATEMENT HAS BEEN RECEIVED WITHIN FORTY-FIVE DAYS OF THE MAIL DATE INDICATED ABOVE, a formal requirement for statement will then be issued. No provision is made for extension of the statutory thirty-day period for response to the formal requirement and the penalty for failure to file an acceptable and timely statement is abandonment of the application. Therefore, applicants are strongly encouraged to submit a statement at this time in order to avoid the issuance of a formal requirement.

IT IS IMPORTANT TO NOTE that the statement must accurately represent the property rights situation of the claimed invention if and when the application is found allowable. Thus, if during prosecution before the examiner, the claimed invention is so altered or the property rights situation so changed as to impact the accuracy of a statement submitted earlier, a supplemental statement must be filed. Failure to submit such additional information where appropriate may be considered a false representation of material facts and render the patent owner vulnerable to loss of patent rights and other sanctions as set forth in the statutes. The PTO will not review allowed applications for this possibility. The responsibility for complying with the statutes rests with the applicants.

Any questions regarding this requirement should be directed to Licensing and Review at (703) 306-4191.

**PLEASE DIRECT ALL COMMUNICATIONS RELATING TO THIS MATTER TO THE
ATTENTION OF LICENSING AND REVIEW**